IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WA.No. 591 of 2007

AGAINST THE JUDGEMENT IN WPC.25380/2004 Dated 19/12/2006
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APPELLANT: PETITIONER:

N.K.VISWANATHAN NAIR,
ARATHI, KUNNATHARA,
P.O, QUILANDY, KOZHIKODE DIST.

BY ADV. SRI.KRB.KAIMAL (SR.)
SRI.B.UNNIKRISHNA KAIMAL

RESPONDENTS: RESPONDENTS:
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1. STATE OF KERALA, REP.BY THE SECRETARY
TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR, EDUCATION,
KOZHIKODE.

4. THE ASSISTANT EDUCATIONAL OFFICER,
QUILANDY.

5. N.K.SREENIVASAN NAIR,
PAVIZHAM HOUSE, PUTHENCHERRY,
ULLIYERI POST,
KOYILANDY.

6. N.K.BALAKRISHNAN NAIR,
AZHAKKATH HOUSE, NARATH,
ULLIYERI, PO, KOYILANDY,.

7. P.MADHAVAN NAIR,
PANAKARA, CHETIKULATH HOUSE, AVITANELLOOR PO,
NADUVANNOOR VIA, KOZHIKODE DIST.

8. N.C.SREENIVASAN NAIR,
NADUCHALIL HOUSE, ARIKKULAMD.PO,
KOYILANDY.

9. N.C.VALSALA,
NADUVILAKKANDY HOUSE,
NARATH PO, ULLIYERI.

10. N.K.RAJAN,ATHIRA HOUSE,
PO.MEPPAYYUR.

11. N.K.RAMA,
NADUCHALIL HOUSE,
PO, ARIKKULAM,

12. N.K.INDIRA -DO- -DO-

13. N.C.SREEJA,
NADUCHALIL HOUSE,
PO.ULLIYERI.

14. N.C.SYAMALA, -DO- -DO-

15. N.C.SANTHA -DO- -DO-

16. THANKAMANI.A,
CHERUVATH HOUSE,
PO.MUDAKKALLUR, ATHOLI.VIA.

17. A.SOMAN NAMBIAR,
AZHAKATH HOUSE,
P.O,ULLIYERI.

18. K.V.RUGMINI AMMA,
KIZHAKKEVEETTIL HOUSE
PUTHOOR, PUTHIYANGADI PO,
KOZHIKODE.

19. A.VALLIYAMMA,
AZHAKATH HOUSE,
NARATH PO, ULLIYERI,
KOYILANDY(VIA)

20. DEVAKI AMMA, AZHAKATH HOUSE,
PO.ULLIYERI, KOYILANDY.

21. PADMINI AMMA.N.K.
CHALIKKANDY HOUSE,
P.O, ULLIYERI, -DO-

22. N.K.LEELA AMMA,
RAJAVIHAR HOUSE,
P.O, ULLIYERI,
KOYILANDY.

23. N.K.MEENAKSHI AMMA,
NADUVILAKKANDY HOUSE,
PO.ULLIYERI, KOYILANDY.

24. N.K.SATHYAVATHY AMMA,
THIRUMANGALATH HOUSE,
PO.KALLUR, PERAMBRA(VIA)

25. N.K.SURESH -DO- -DO-

26. N.K.RENUKA, -DO- -DO-

27. K.V.SETHUMADHAVAN,
PULARI HOUSE,
P.O.ULLIYERI, KOYILANDY.

28. K.V.MYTHILI, -DO- -DO-

29. K.V.VIJAYARAGHAVAN,
KONDOTH KANDY HOUSE,
PERAMBRA,

30. K.V.KUNHIMADHAVI AMMA, PULARI HOUSE,
PO.ULLIYERI, KOYILANDY.

31. N.MEENAKUMARI, -DO- -DO-

32. K.V.MEERABAI, PULARI,
NARATH.PO, ULLIYERI,
KOYILANDY.

33. K.VENUGOPALAN NAIR, -DO- -DO-

R1 TO R4 BY GOVT. PLEADER SMT K. MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN, Ag. C.J. & M.N. KRISHNAN, J.

Writ Appeal No 591 of 2007

Dated: 6th March 2007

JUDGMENT

Radhakrishnan, Ag. C.J.

Appellant has approached this court challenging Ext. P13 order passed by the Government. Government after considering all the aspects of the matter found that the appellant has participated in the auction representing the majority of the shareholders and not on his individual capacity. Government rejected the argument of the appellant that if all the members in the group are joined change of management can be effected. Taking note of all the aspects of the matter Government allowed the appeal filed by the fifth respondent and quashed the order of the Director of Public Instruction and the Deputy Director of Education was directed to scrutinise the bylaw submitted on merits and approve the same if otherwise in order. Learned single judge found no infirmity in Ext. P13 order. In the facts and

circumstances of the case, we find no reason to take a different view. Learned single judge is justified in rejecting the writ petition. Appeal lacks merits and the same would stand dismissed.

Sd/-
K.S. RADHAKRISHNAN
Ag. Chief Justice

Sd/-
M.N. KRISHNAN
Judge

06/03/2007
en/

[true copy]